

STATE OF NEW HAMPSHIRE  
BOARD OF PHARMACY

July 28, 2004

A regular meeting of the New Hampshire Board of Pharmacy was held on **July 28, 2004** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:45 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President  
Kristina Genovese, Vice-President  
George L. Bowersox, Treasurer  
Sandra B. Keans, Secretary  
Vahrij Manoukian, Member  
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,  
Executive Secretary  
Peter A. Grasso  
Chief Compliance Investigator

ALSO ATTENDING

**Kaitlyn Bowersox** - University of Rhode Island College of Pharmacy. Guest of Commissioner Bowersox.

II. REVIEW OF ACTION ITEMS

A. **FLORIDAINFUSION/NATIONS DRUG**

1053 Progress Court  
Palm Harbor, FL 34683

Non-compliance with request to license as a wholesaler/distributor, according to RSA 318:51-a, and doing business in the State of NH.

Board review: November 19, 2003

Awaiting response from Florida Infusion/Nations Drug to Attorney General's March 2, 2004 letter alleging violation of RSA 318:51-a and the Board's subsequent request that the Attorney General pursue criminal prosecution.  
(See April 21, 2004 meeting minutes).

**B. FLORIDA INFUSION PHARMACY**

4190 Corporate Court  
Palm Harbor, FL 34683

Non-compliance with request to license as a mail-order pharmacy, according to RSA 318:37,II(a) and doing business in the State of NH.

Board review: November 19, 2003

Awaiting response from Florida Infusion Pharmacy to Attorney General's March 2, 2004 letter alleging violation of RSA 318:51-a and the Board's subsequent request that the Attorney General pursue criminal prosecution. (See April 21, 2004 meeting minutes).

**C. Medication Assistance Programs**

Pursuant to Commissioner Bowersox's preliminary report at the March 17, 2004 Board meeting (see *Minutes*), a comprehensive report of findings and proposed resolution (action guidelines) is still in process. The Board is currently reviewing Ohio's Drug Repository Program which allows for the donation of previously dispensed prescription drugs to locations that would use them for treating patients who were unable to pay. Staff is also in the process of contacting other state boards of pharmacy for input.

**D. Automated Dispensing Machines**

Update on labeling of Baxter-type cells utilized in automatic (robotic) dispensing systems.

Agenda item tabled January 21, 2004 pending additional information.

Issue continues to be researched.

**III. REVIEW / ADOPTION OF MINUTES**

Minutes of the **June 16, 2004 special meeting** of the Board were accepted as amended. **(Petrin/Manoukian). Voted (unanimous).**

Minutes of the **June 16, 2004 regular meeting** of the Board were accepted as amended. **(Petrin/Bowersox). Voted (unanimous).**

IV. LICENSING

A. **Pharmacy Technician**

**BLAINE, Helen**

Newport, NH

NH Registration No. PT1833

**Motion (Keans/Bowersox) to accept the voluntary surrender of Ms. Blaine's NH pharmacy technician registration. Voted (unanimous).**

B. **Pharmacy**

New

1. **STOP & SHOP PHARMACY #202**

9 Watson Road

Hudson, NH 03051

Pharmacist-In-Charge: Michael A. Sarnosky, R.Ph.

NH License No. R1003

Corporate Officer/Supervisor: Joel Berman, R.Ph.

Regional Pharmacy Manager

**Application complete.**

**Motion (Keans/Genovese) granting a temporary permit to Stop & Shop Pharmacy #202 located at 9 Watson Road, Hudson, NH, based upon the successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).**

2. **MASSACHUSETTS COLLEGE OF PHARMACY AND HEALTH SCIENCES  
SCHOOL OF PHARMACY**

Manchester, NH Campus

1260 Elm Street

Manchester, NH 03101

Request for NH Pharmacy Permit to allow for the receipt and possession of stock containers of non-controlled prescription drugs for use by students in the dispensing laboratory course of the PharmD program. Such drugs will be used for institutional purposes only and not dispensed to the general public.

**Motion (Manoukian/Bowersox) to annually issue a NH Pharmacy Permit, specifically designated for academic programming, to MCPHS-Manchester. There shall be no annual fees for this Permit. Further, the Department of Pharmacy Practice at the School shall provide for the security of such medications at all times. Voted (unanimous).**

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Upon the motion of **Manoukian** and the second of **Keans**, the Board, by roll call vote, resolved to conduct a non-public session for the purpose of consulting with legal counsel, Wynn E. Arnold, Esq. and Elyse Alkalay, Esq., both from the Civil Bureau of the Attorney General's office. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

In session: 10:02 AM

Out of session: 11:04 AM

**No motions were made and no votes were taken during this session.**

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Upon the motion of **Manoukian** and the second of **Bowersox**, the Board, by roll call vote, resolved to conduct a non-public session for the purpose of discussing matters of law enforcement whereby divulgence of the information likely would render the proposed action ineffective and that such a non-public session is authorized by RSA 91-A:3, II(c); RSA 91-A:3, II(e); RSA 91-A:5, IV; and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

In session: 11:14 AM

Out of session: 11:29 AM

**Commissioner Petrin and Chief Compliance Investigator Grasso were recused from this session.**

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Upon the motion of **Manoukian** and the second of **Bowersox**, the Board, by roll call vote, resolved to withhold the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A:3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person and to render the proposed action ineffective. Each

member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

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*The public session of the Board's meeting was resumed at 11:30 AM. Commissioner Petrin recused himself for the balance of the meeting.*

V. CONTINUING EDUCATION

A. **The Board reviewed the following program evaluations and recommendations submitted by the Continuing Education Advisory Council:**

1. **PROGRAM # 30-04-L001**

"NH Board of Pharmacy Meetings"

Date: Third Wednesday of each month  
Location: BOP Offices – Concord, NH  
Submitted by: Paul Boisseau, Executive Secretary

**Recommendation: Approve for 0.1 CEU's per meeting. Maximum of 5-hours per year is allowed. Members and staff of the BOP are not eligible.**

**Board Action: Concurrence.**

2. **PROGRAM # 30-04-L002**

"If You Don't Like Politics – Get Out of Pharmacy"

Date: March 28, 2004  
Location: Red Blazer Restaurant – Concord, NH  
Submitted by: Frank G. Case, R.Ph.  
Executive Director  
NH Independent Pharmacy Association  
44 Beach Head Road  
Nottingham, NH 03290

**Recommendation: Approve for 0.1 CEU's.**

**Board Action: Concurrence.**

3. **PROGRAM # 30-04-L003**

"The Ever Changing World of Diabetes"

Date: April 15, 2004  
Location: The Sheraton Harborside Hotel – Portsmouth, NH  
Submitted by: Mary Jean Kellermann, R.Ph.  
36 Boxwood Road  
Bedford, NH 03110

**Recommendation: Approve for 0.6 CEU's.**

**Board Action: Concurrence.**

**4. PROGRAM # 30-04-L004**

“IVIG Overview and Gamunex Trials”

Date: June 9, 2004  
Location: Bedford Village Inn – Bedford, NH  
Submitted by: Bette Bogdan, RN, CLNC  
Nevan, LLC  
P.O. Box 144  
Concord, NH 03302

**Recommendation: Approve for 0.15 CEU's.**

**Board Action: Concurrence.**

**5. PROGRAM # 30-04-L005**

“Controlled Substance Update”

Date: August 11, 2004  
Location: Chen Yang Li Restaurant – Bedford, NH  
Submitted by: Julie Bernstein  
Janssen Pharmaceutica  
1061 Maplewood Avenue, Apt. 1  
Portsmouth, NH 03801

**Recommendation: Approve for 0.1 CEU's.**

**Board Action: Concurrence.**

**6. PROGRAM # 30-04-L006**

“Controlled Substance Update”

Date: August 10, 2004  
Location: Rochester Country Club – Rochester, NH  
Submitted by: Julie Bernstein  
Janssen Pharmaceutica

1061 Maplewood Avenue, Apt. 1  
Portsmouth, NH 03801

**Recommendation: Approve for 0.1 CEU's.**

**Board Action: Concurrence.**

**Motion (Manoukian/Keans) to approve the above-referenced CE programs as designated. Voted (unanimous).**

**B. CE Audit**

Pursuant to the continuing education audit (of 2003 programs for 2004 pharmacist license renewal), the Continuing Education Advisory Council reported that the following NH licensed pharmacists did not comply with the continuing education requirements and/or did not respond to the audit request, and accordingly, recommended that disciplinary procedures be initiated:

**1. JAMES A. BLACKADAR**

130 Dover Neck Road  
Dover, NH 03820

Lic. #: 2253

*Failure to acknowledge and respond to 2 requests for submission of CE documentation.*

**2. LESLIE A. LATIMER**

1115 Washington Road  
Rye, NH 03870

Lic. #: R1621

*Short 5.0 hours of (correspondence) CE programming.*

**3. RICHARD P. LEGERE**

P.O. Box 1308  
Kennebunk, ME 04043

Lic. #: 1867

*Short 5.0 hours (1-hour didactic, 4-hours correspondence) of CE programming.*

**4. ANNE-MARIE MISIASZEK**

41 Stacey Circle  
Windham, NH 03087

Lic. #: 3020

*Short 1.0 hour of (didactic) CE programming.*

5. **STEVEN PETRILLO**  
P.O. Box 177  
East Hampstead, NH 03826

Lic. #: 3143

*Short 5.0 hours of (correspondence) CE programming.*

**Recommendation(s): Revocation of licensure (#1) and the application of administrative fines and additional CE for 2005 licensure renewal (for #'s 2-5) according to the *Schedule of Fines and Penalties for CE Violations* previously approved by the Board of Pharmacy.**

**Motion (Manoukian/Bowersox) to commence disciplinary proceedings by issuing a *Notice of Hearing* to Mr. Blackadar and to propose *Settlement Agreements* according to the *Schedule of Fines and Penalties for CE Violations* previously approved by the Board. Voted (unanimous).**

#### **C. COUNCIL MEMBERSHIP APPOINTMENTS**

The following Council members request re-appointments to a 3-year term according to Ph 403.13(b) (to expire February 1, 2007 or until duly replaced/reappointed):

- Robert R. Arndt
- Paul G. Boisseau
- Helen C. Pervanas
- Richard G. St. Hilaire
- Michael P. Viggiano

**Motion (Manoukian/Keans) to re-appoint the above-referenced members of the Continuing Education Advisory Council to additional 3-year terms effective immediately and continuing through February 1, 2007 or until duly replaced. Voted (unanimous).**

#### **VI. COMPLIANCE UNIT**



**A. Activity Report**

- June 2004

**Motion (Manoukian/Bowersox) to accept the report as submitted. Voted (unanimous).**

**VII. NEW BUSINESS**

**A. DAW – Electronic vs. Handwritten Script**

Penacook Family Physicians – Penacook, NH  
The Prescription Center – Concord, NH

Request for opinion of Ph 704.06.  
NCPDP format specifications vs. Anthem audits.

**Motion (Manoukian/Bowersox) to recognize an electronic reproduction of a prescriber's handwritten direction, on an electronically transmitted prescription, indicating "medically necessary" (and precluding the selection of an equivalent drug product) as satisfying the requirements of Ph 704.06 (c) of the NH Code of Administrative Rules. Voted (unanimous).**

**B. End-to-End Electronic Prescribing**

Hannaford Pharmacy #178 – Manchester, NH

Request for opinion relative to "gateways"/"switching stations".

**Motion (Bowersox/ Manoukian) based on current rules of the Board, and until amended, prescriptions must be transmitted directly from the prescriber to the dispensing pharmacy. If a gateway or switching station receives the prescription after it is electronically launched by the prescriber and before it arrives at the dispensing pharmacy, then the pharmacist must validate the prescription by telephoning the prescriber. Voted (unanimous).**

**C. Rulemaking – Public Hearing**

A public hearing for comments relative to the readoption of Chapter Ph 200 and certain sections of Chapters Ph 300– 700 of the NH Code of Administrative Rules will be held on **Wednesday, September 15, 2004** at the Board of Pharmacy office

located at 57 Regional Drive, Concord, NH and from **9:00 – 9:30 AM.**

VIII. ADJOURNED 12:50 A.M.

Respectfully submitted,

Sandra B. Keans  
Secretary  
FOR THE BOARD